

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No. 19-0519

SAFEHOUSE, a Pennsylvania nonprofit
corporation;

JOSE BENITEZ, as President and
Treasurer of Safehouse,

Defendants.

SAFEHOUSE, a Pennsylvania nonprofit
corporation,

Counterclaim Plaintiff,

v.

UNITED STATES OF AMERICA,

Counterclaim Defendant,

and

U.S. DEPARTMENT OF JUSTICE;
MERRICK B. GARLAND, in his official
capacity as Attorney General of the United
States; and JENNIFER ARBITTIER
WILLIAMS, in her official capacity as U.S.
Attorney for the Eastern District of
Pennsylvania,

Third-Party Defendants.

ORDER

AND NOW, this day of , 2022, upon consideration of the United States' Motion to Modify Scheduling Order, and any opposition thereto, it is hereby ORDERED that the Motion is Granted and:

1. The United States shall respond to Safehouse's Amended Counterclaims for Declaratory and Injunctive Relief by February 6, 2023, by way of answer and/or appropriate Rule 12 motion.

2. Safehouse shall file any brief in opposition by March 6, 2023.

3. The United States shall file any reply by March 27, 2023.

BY THE COURT:

GERALD A. McHUGH
United States District Judge

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UNITED STATES' MOTION TO MODIFY SCHEDULING ORDER

The United States moves to modify the Court's scheduling order, seeking additional time to respond to Safehouse's Amended Counterclaims for Declaratory and Injunctive Relief in order for discussions about a possible amicable resolution to continue. The basis for this motion is set forth in the accompanying memorandum of law, which is incorporated herein.

WHEREFORE, the United States respectfully requests that the Court enter an order in the form attached hereto.

Dated: December 5, 2022

Respectfully submitted,

BRIAN NETTER
Deputy Assistant Attorney General
Federal Programs Branch

JACQUELINE C. ROMERO
United States Attorney

/s/Gregory B. David
GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division
Counsel for the United States

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**UNITED STATES' MEMORANDUM OF LAW IN SUPPORT OF ITS
MOTION TO MODIFY SCHEDULING ORDER**

In order for discussions about a possible amicable resolution to continue, the United States now moves for a two-month extension of time to respond to defendant Safehouse's Amended Counterclaims for Declaratory and Injunctive Relief. The current deadline is December 5, 2022. Safehouse does not consent to this extension, which the government maintains is necessary.

Under the Federal Rules of Civil Procedure, the Court for good cause shown may modify a scheduling order and enlarge the period of time for response to a pleading. In accordance with Rule 6(b) and 16(b)(4) of the Federal Rules of Civil Procedure, good cause exists to grant the United States' motion for an extension of time.

On February 4, 2022, the Department of Justice publicly stated that it is "evaluating supervised consumption sites, including discussions with state and local regulators about appropriate guardrails for such sites, as part of an overall approach to harm reduction and public safety."¹

At a February 7, 2022 conference before the Court, the parties announced that discussions were underway to explore a possible amicable resolution of this matter. At a more recent conference on November 14, 2022, the United States provided an update to the Court. The discussions to date, which have involved coordination among multiple constituencies addressing a novel and complex subject matter, have been and continue to be productive. The United States believes an additional two months are necessary to permit careful consideration of the government's harm reduction and public safety goals.

¹ <https://thehill.com/policy/healthcare/593212-justice-department-to-evaluate-providing-safe-havens-for-drug-use>.

For the foregoing reasons, an additional two-month extension of time is warranted.

Dated: December 5, 2022

Respectfully submitted,

BRIAN NETTER
Deputy Assistant Attorney General
Federal Programs Branch

JACQUELINE C. ROMERO
United States Attorney

/s/Gregory B. David
GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division
Counsel for the United States

CERTIFICATE OF SERVICE

I hereby certify that, on this date, I caused a true and correct copy of the United States' Motion to Modify Scheduling Order and accompanying memorandum of law, which was filed electronically and is available for viewing and download from the court's CM/ECF system, to be served upon all counsel of record.

/s/Gregory B. David
GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division

Dated: December 5, 2022